

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No. 21214 of 2004

Between:

V.L.Kulkarni, S/o L.G.Nandgadkar,

Aged 73 years, Occ: Business,
AD-ART & PRESS FABS, B11/2, IDA Uppal, Hyderabad

..... PETITIONER

AND

1 The Superintending Engineer, Central Power

Distribution Co.of A.P.Ltd.,
Rural-Operation, Ranga Reddy Circle (North) Gun-Rock Enclave,

Secunderabad

2 The Divisional Engineer, A.P.C.P.D.C.Ltd., (Operations),

Habsiguda, Hyderabad

3 The Accounts Officer / E.R.O. A.P.C.Power Distribution Co.Ltd,
Habsiguda, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to grant a direction/s, order/s, Writ/s more so in the nature of Writ of Mandamus declaring the action of the respondent in issuing a bill as illegal, arbitrary and to direct the respondent to withdraw the demand for payment of Rs.67,911/- vide Bill No.858, dated 1-9-2004, and to direct the respondent not to disconnect the power supply to the petitioner unit and to accept the regular payment of bill without refusal and to pass appropriate order on my representation dated 12-02-2004.

Counsel for the Petitioner: MR.CHALLA AJAY KUMAR

Counsel for the Respondent Nos.1 to 3: MRS.M.VINOBHA DEVI (SC FOR APTRANSCO)

The Court made the following:

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ORDER:

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This writ petition is filed seeking declaration that the action of the respondents in issuing the impugned bill dated 01-09-2004 whereunder a sum of Rs.67,911/- was demanded towards arrears, as arbitrary and illegal.

2. The petitioner states that towards the amount in dispute, he has already paid a sum of Rs.35,000/- under protest and made a representation dated 26.04.2004 before the 1st respondent/Superintending Engineer, raising objections against the demand made towards the alleged arrears. The grievance of the petitioner is that while the representation made by him is kept pending, in the meanwhile the respondents are taking coercive steps for recovery of the balance. Hence, this writ petition.

3. Having heard the learned counsel for the petitioner and the learned standing counsel, appearing for the respondents and keeping in view that the petitioner has already paid a sum of Rs.35,000/- towards the

impugned demand, the Writ Petition is disposed of with a direction to the 1st respondent to consider the representation of the petitioner dated 26.04.2004 and pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of four weeks from the date of receipt of this order. Till such time, there shall not be any disconnection of power supply to the service connection of the petitioner. No costs.

dsr

ASSISTANT REGISTRAR

To:

1. The Superintending Engineer,
Central Power Distribution Co.of A.P.Ltd.,
Rural-Operation Rangareddy Circle (North)
Gun-Rock Enclave, Secunderabad-1

2. The Divisional Engineer,
A.P.C.P.D.C.Ltd.,(Operations),
Habsiguda, Hyderabad

3. The Accounts Officer/E.R.O,
A.P.C.Power Distribution Co.Ltd.,
Habsiguda, Hyderabad

4. Two CD copies.